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Attorneys for Plaintiff

SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC, a Delaware corporation,

Plaintiff,

vs.

SOFTSCAPE, INC., a Delaware corporation,
and DOES 1-10, inclusive,

Defendants.

Case No. CV 08-1376 CW (BZ)

**JOINT STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE TO
FILE AMENDED PLEADINGS**

Plaintiff SuccessFactors, Inc. ("SuccessFactors" or "Plaintiff") and Defendant Softscape, Inc. ("Softscape" or "Defendant"), by and through their attorneys of record, submit this Joint Stipulation and [Proposed] Order Regarding an Extension of Time to File Amended Pleadings and as good cause state:

1 WHEREAS, the deadline to file amended pleadings is currently set for August 29, 2008
2 (Dkt. No. 150);

3 WHEREAS, Softscape filed a complaint in the Middlesex Superior Court of the
4 Commonwealth of Massachusetts on or about June 4, 2008, and served its complaint on or about
5 June 16, 2008;

6 WHEREAS, on July 7, 2008, SuccessFactors served a motion to dismiss or stay
7 Softscape's action for *forum non conveniens* in Massachusetts on the basis that Softscape's
8 allegations of trade secrets misappropriation and unfair competition substantially overlap with
9 Softscape's affirmative defense of unclean hands in the instant case;

10 WHEREAS, on August 27, 2008, the Middlesex Superior Court granted SuccessFactors'
11 motion to dismiss without prejudice;

12 WHEREAS, SuccessFactors has been unable to schedule the depositions of certain key
13 witnesses for Softscape until the latter half of September with one important deposition set for
14 October 1, 2008;

15 WHEREAS, the parties have not requested any extension of time in this case and are not
16 currently seeking an extension of the June 1, 2009 trial date.

17 ACCORDINGLY, the parties HEREBY STIPULATE AND AGREE, to avoid either party
18 suffering any prejudice, that the parties' deadline to file any amended pleadings shall be extended
19 from August 29, 2008 until October 3, 2008.

20 **IT SO STIPULATED.**

21 Dated: August 27, 2008

Respectfully submitted,

22 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C.
23

24 By: /s/ **Bryan Sinclair**

25 Bryan Sinclair

26 Jeffrey M. Ratnoff

27 Attorneys for Defendant Softscape, Inc.
28

1 Dated: August 27, 2008

Respectfully submitted,

2 Fenwick & West LLP

3 By: /s/ Patrick E. Premo

4 Patrick E. Premo

5 Attorneys for Plaintiff, SuccessFactors, Inc.

6 **ATTESTATION**

7 Concurrence in the filing of this document has been obtained from the other signatories.

8 **[PROPOSED] ORDER**

9 Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc.'s Joint Stipulation and
10 [Proposed] Order Regarding the extension of the deadline for the parties to file amended pleadings
11 is hereby GRANTED. The August 29, 2008 deadline is hereby continued to October 3, 2008.

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 Dated: _____

14 _____
15 The Honorable Claudia Wilken
16 United States Magistrate Judge

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